



School Council Election Frequently Asked Questions

What does the statute say?

The actual text of the statute on teacher and parent elections is found in KRS 160.345(2)(b)1-2. The complete text is included in the box.

Section 2

1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students pre-registered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal or head teacher shall be the chair of the school council. 2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following: a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty.

Who makes up the school council?

A school council consists of three (3) teachers, two (2) parents, and the school principal. Teachers elect teacher representatives and parents elect parent representatives. This structure may increase proportionately without Kentucky Board of Education approval in schools with more than one administrator.

How many votes are required to be elected to a school council meeting?

Teachers must be elected to the school council by a majority vote (i.e., one more vote than half) of all teachers assigned to the building. Parents are elected to the school council by plurality vote (i.e., the candidate with the most votes).

What are the guidelines for absentee balloting?

Teachers and parents may establish absentee balloting procedures. As a note, the Kentucky Board of Elections does not recognize telephone, email or fax as an official method of voting. Voting must be done in person.

What about our school council's by-laws on elections?

KDE, as well as the Office of Education Accountability (OEA), recommend that school councils remove election procedures for teachers and parents from their bylaws. Teachers and parents should establish their own written election procedures.

What is the principal's role in elections?

Other than conducting the additional election for the minority teacher and parent representative in the event the school is required to conduct such an election, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents, if requested to do so, with logistics (e.g., opening the building, providing space in the building, assisting parents and/or teachers with communicating election meeting times and dates). Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes.

What election documentation should be retained and why?

Ballots and any other documentation must be retained from the election in case of the event of a challenge to the election. In the event that multiple balloting attempts were required, all ballots must be kept separate. Documentation of the election should be submitted to the principal following the election and should be stored in a secure location. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

How long is a school council members' term of service once elected?

SBDM council teacher and parent members are elected to one-year terms. However, a school council, once elected, may adopt an operating procedure or bylaw establishing

terms of service for parent and teacher representatives subsequently elected. The new terms will not apply to the school council that establishes them. [KRS 160.345(2)(b)1]

What is the definition of a relative?

A relative as defined in statute, includes father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law. [KRS 160.345(1)(c)]

Who is eligible to run for teacher council representative?

All certified staff, as defined by the Educational Professional Standards Board (EPSB), in the school, including itinerant teachers, part time teachers, counselors and library media specialist is eligible to serve as a teacher representative on the school council and to vote in a school council election.

Curriculum Coaches/Instructional Coaches may be considered a teacher for the purpose of SBDM as long as they do not have administrative powers/duties (ex: duties or roles pertaining to evaluating other teachers). This determination is made at the district level.

What if a non-tenured teacher is elected to the school council?

A non-tenured teacher, one who has not been guaranteed a position for the next school year, may be nominated and run for school council. If the teacher is elected, that does not guarantee them a teaching position for the next school year. Depending on the terms of the council service, any teacher that is not employed after June 30, the end of most limited teacher's contract, that teacher is no longer an employee in the school. This will place a vacancy on the school council.

Can a teacher who also has a child enrolled at the school in which they serve run for school council?

A teacher, who has a child as a student at the school where they teach, may only serve as a teacher representative on the school council and not as a parent representative.

Can teachers who are retiring and/or transferring schools vote in school council elections?

A teacher that is retiring and/or transferring schools at the end of the school year can vote in teacher elections. Any teacher employed at the school on the day of the elections may vote in those elections.

Can a teacher on leave of absence vote in school council elections?

While a teacher is on leave of absence, the teacher is considered a school district employee and is not eligible to participate in school council elections. A teacher on a leave of absence status would not be assigned to a particular position or school and therefore would not be included in the total number of staff assigned to the building for the purpose of electing a teacher representative.

Can an itinerant teacher vote and serve on a school council?

Any teacher assigned to the school for any part of the school day is eligible to vote and serve on the school council.

Who is eligible to run for parent school council representative?

To be eligible to serve on the school council, parent candidates must have a student enrolled or preregistered to attend the school for the year they will be serving on the school council. The candidate must be a parent, stepparent, foster parent, or a person who has legal custody of a student pursuant to a court order and with whom the student resides. The candidate cannot be an employee of the school in which that parent serves or be a local board member or their spouse.

If a parent is a bus driver or substitute teacher within the district, they may continue to serve the district in that capacity while running for school council. If the parent is elected to the school council, they may not work in the school where they serve as the parent representative on the school council.

Can a parent volunteer in the school serve as a parent representative on the school council?

If the parent is a volunteer in the school, they may serve on the school council as a parent representative. If the parent is paid for volunteering, even if it is a one-time stipend, they are considered an employee and may not serve as parent representative at the school.

Can both parents serve as parent representatives on a school council?

Both parents may serve as parent representatives on the same school council.

How does KDE determine if a school council needs minority representation?

Minority representation is determined by the data reported to KDE as part of the Superintendents Annual Attendance Report (SAAR). The data from this document is calculated for the purpose of determining the number of minority and the official count of students enrolled in a school. However, a district may calculate and determine minority percentage using other verified data sources including Infinite Campus. If a district chooses this route to determine minority percentages, they are required to keep all documentation of the calculation in the SBDM Office for 5 years.

Who conducts the election for additional minority members?

The principal is responsible for conducting elections for additional minority members. The statute gives specific guidance to the principal about how to do the special elections for an additional parent and teacher representative.

What if only one minority teacher is employed in a school?

If only one minority teacher is on staff, teachers must select and offer the position. The minority council member may remain on the council until the next election. If the only minority teacher is unavailable or unwilling to serve on the council, the position is listed as vacant. A non-minority teacher cannot be substituted to serve as a minority representative.

What if no minority teachers are members of the school staff in a school with 8% or more minority student population?

An additional faculty member shall be elected by a majority of all the teachers as a representative of the minority population.